IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23434 of 2007(S)

PETITIONER:

ABEL MATHEW, S/O.P.M.MATHEW,
MUNICIPAL COUNCILLOR, WARD NO.28,
PATHANAMTHITTA MUNICIPALITY RESIDING AT
VATTAMURIPPEL HOUSE, KARIMPANAKUZHY,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. THE DISTRICT MEDICAL OFFICER,
PATHANAMTHITTA.

3. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

4. THE PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA REPRESENTED BY ITS SECRETARY.

5. THE CHAIRMAN,
KERALA STATE POLLUTION CONTROL BOARD,
PATTOM, THIRUVANANTHAPURAM.

6. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, MAKKAMKUNNU, PATHANAMTHITTA.

R1 TO R3 BY SPECIAL GOVT. PLEADER MR.C.T.RAVIKUMAR
R4 BY ADV. SRI.V.K.SUNIL
R5 & R6 BY STANDING COUNSEL MR.M.K.CHANDRAMOHAN DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & HARUN-UL-RASHID, J.

W.P.(C) No.23434 of 2007

Dated, this the 3rd day of August, 2007

JUDGMENT

H.L.Dattu, C.J.

Petitioner is a Councillor of Ward No.28 of Pathanamthitta Municipality. He is also a public spirited citizen.

(2) In this writ petition filed under Article 226 of the Constitution, the petitioner seeks for the following reliefs:

> "i) Issue a writ of mandamus or such other writ, direction or order commanding the Secretary of the Pathanamthitta Municipality to ensure that the conditions prescribed in Exhibits.P3, P4 and P8 and the provisions of the Municipal Solid Waste (Management and Handling) Rules 2000 are strictly complied with while dumping the waste in Sy.No.335/4A of Pathanamthitta Village in Kozhencherry Taluk;
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> ii) Issue a writ of mandamus or such other writ, direction or order commanding the Pathanamthitta Municipality to set up waste processing and disposal facilities as contemplated under the provisions of the Municipal Solid Waste (Management and Handling) Rules 2000 on a permanent basis before 31-12-2007; and
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> iii) pass such other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

(3) When the writ petition was posted posted for admission on 1.8.2007, we had issued notice to the respondents.

(4) The matter is again posted today for admission.

(5) Sri.Santhosh Mathew, learned counsel appearing for the petitioner, would submit that during the pendency of the writ petition, a direction has been issued by the Kerala State Pollution Control Board in No.PCB/HO/PTA/COMP/21/2007 dated 2nd August, 2007. In view of the

direction issued by the Pollution Control Board, the learned counsel would submit that, for the present, he would not press the reliefs sought in the writ petition.

(6) Taking note of the submission made by the learned counsel for the petitioner, this writ petition is disposed of as having become unnecessary. However, liberty is reserved to the petitioner to approach this Court if need arises in future.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(HARUN-UL-RASHID)
JUDGE

vns